



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 11, 1998

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1546
Austin, Texas 78767-1546

OR98-1438

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116292.

The City of Austin (the "city") received a request for "all 911 tapes made involving" a particular criminal incident." You assert that the requested tape is excepted from required public disclosure based on sections 552.103 and 552.108 of the Government Code.

Section 552.108 of the Government Code reads as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You inform us that the tape pertains to a pending criminal investigation. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." Accordingly, the city may withhold the tape from the requestor based on section 552.108(a)(1) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 116292

Enclosures: Submitted documents

cc: Ms. Heather K. Way
Legal Aid
205 West 9th Street, Suite 200
Austin, Texas 78701
(w/o enclosures)